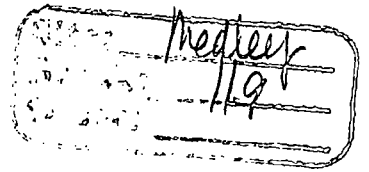


Monsanto



LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63166
Phone: (314) 694-1000

November 2, 1983

James F. Bycott, Esq.
Office of Regional Counsel
Environmental Protection Agency
345 Courtland Street, N. E.
Atlanta, Georgia 30365

Re: Medley Site
Monsanto Company
McAlister Plaza, Greenville, S. C.

Dear Mr. Bycott:

I have discussed the above referenced with the U. S. Environmental Protection Agency's (EPA) Ron Joyner. Mr. Joyner advised me to direct my questions to you.

In the EPA October 25, 1983 letter to Monsanto, referencing our McAlister Plaza, Greenville, South Carolina office by copy, EPA asserts it has information that indicates drums at the Medley site may bear labels and markings, and that these markings may depict Monsanto Company information. We assume information is that such as product logos.

Before EPA demands that Monsanto conduct an internal investigation to prepare a response to EPA, it is reasonable for EPA to state with some specificity the relevant time period and establish or, at a minimum, make a showing sufficient to warrant commitment of Monsanto's resources. EPA's letter does not satisfactorily show, absent more evidence, that Monsanto is within the jurisdiction of 42 U.S.C. sections 9604 and 6927.

May we have information made available to us that provides the basis for EPA's assertion that we may be a responsible party? Our request is that we be provided a list of potentially responsible parties (PRP), a description of documents that reflect total contribution of waste to the site, a description of the documents that reflect the relative allocations to each PRP of the total waste removed from the site, and a description of the documents which depict which, if any, Monsanto facility EPA believes waste was shipped from to this site. Second, we request

10294467




James F. Bycott, Esq.
November 2, 1983
Page 2

identification of all documents related to the site and the EPA expenditure of approximately \$600,000. Third, we request an opinion regarding the EPA's willingness to produce each such document requested above, including the EPA's specific reasoning for each document EPA may be disinclined to produce. Fourth, we request EPA provide us with its opinion of what it is enforcing under Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 et seq., and Title II of the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. that gives it authority to request information of the nature requested in EPA's letter dated October 25, 1983. Finally, if the apparent EPA form letter has been sent to ten or more parties, please state EPA's reasoning in neither providing an OMB number nor inclusion of any statement advising Monsanto that EPA's request is not subject to the Paperwork Reduction Act of 1980 44 U.S.C. 3501 et seq.

Please note that Chapter 35 applies to general investigations, except administrative actions or investigations involving specific entities. Is Monsanto the subject of an EPA conducted administrative action or investigation within the exclusion of 44 U.S.C. section 3518(c) (1) (B) (ii)?

Should you have any questions, please contact me at the above address or by telephone at (314) 694-8504.

Sincerely,



Brent J. Gilhousen
Assistant Environmental Counsel

jfel102

cc: ✓ Regional Counsel
Region IV, EPA

Director
Office of Legal and Enforcement Counsel

Director
Office of Waste Programs Enforcement

Director
Office of Emergency and Remedial Response

Monsanto Company
Greenville, South Carolina